

The Subscription Crisis and church-state relations 1584-1586

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In August 1584, parliament approved the introduction of a test oath which was to be subscribed by all “beneficit men, ministers, reidars, and maisteris of collegis and scuillis”. It pledged all those subscribing “to obey with all humilitie his heines actis of his said Parliament. And ... schaw ... obedience to our ordinair bischop or commissionair” on pain of loss of stipend.¹ The acts in question have come to be known as the Black Acts and were passed in the previous parliament held in May. The test oath resulting from them precipitated the subscription crisis, involving a sustained effort by the government to ensure obedience in the face of clerical opposition to subscription. The government’s problems were not restricted to the ecclesiastical sphere, however, for it also had domestic political opposition and a very delicate period of Anglo-Scottish relations to contend with.

A settled polity in the Kirk had not been achieved since the Reformation crisis of 1559-60. Sympathy for presbyterianism came to feature in the General Assemblies of the later 1570s, culminating in the establishment of 13 model presbyteries in 1581.² Clashes arose between the government and the Kirk, which was increasingly reluctant to tarry for the magistrate. A notable example, and one which was to bear bitter fruit, was the dispute over Patrick Adamson’s refusal to submit himself, as archbishop of St Andrews, to the General Assembly in April 1577, probably on the instructions of the regent, James Douglas, earl of Morton.³ Although Morton was generally favourable to Protestantism, the opportunities for nepotism and patronage which a crown-controlled episcopate offered were too tempting for him to yield to the Kirk’s desire for exclusive control of

¹ *The Acts of the Parliaments of Scotland* (Edinburgh, 1814) [APS], iii, 347.

² *Acts and Proceedings of the General Assemblies of the Kirk of Scotland* (Edinburgh, 1840) [BUK], ii, 482-87.

³ G.R. Hewitt, *Scotland Under Morton* (Edinburgh, 1982), 110.

matters spiritual. Growing criticism of particular bishops, if not of episcopacy *per se*, was not countenanced by the crown. With the fall of Morton and the rise of Esmé Stewart, duke of Lennox, as the dominant force in Scottish politics, this simmering uneasiness erupted into open hostility in the early 1580s after the Lennox government appointed the minister of Stirling, Robert Montgomery, to the vacant see of Glasgow without the Kirk's consent.⁴

The government of Esmé Stewart was replaced by the Ruthven régime, an anti-Stewart faction which included Douglasses (Morton's kinsmen) and was led by William Ruthven, earl of Gowrie, a firm Protestant who had a personal dislike of Lennox for his profligacy when Gowrie had been treasurer – Gowrie had had to bear the deficit.⁵ It came to power in a classic noble coup in August 1582 by seizing the young James VI. Although it did little in practice to favour the presbyterians, it can be seen as having been sympathetic to them in comparison with the previous régime of Esmé Stewart which some had seen as francophile and even Catholic in inclination. The General Assembly of October 1582 actually gave its approval to the Ruthven administration, stating, "That not only the kirk of God within this realme, and the true religion preached therein, but also the Kings Majesties most noble person and kinglie estate were stood in extrem danger and hazard" before the so-called Ruthven Raid by which this faction came to power.⁶ With the escape of King James from their clutches in June 1583, a reconfigured Stewart faction, this time led by James Stewart, earl of Arran, came to prominence once more.

It was thus in the context of a new régime disliked by the dominant faction in the Kirk that the crisis of kirk-state relations, which continued throughout 1584 and beyond, was played out. The subscription of August of that year was a climactic reaction on the part of the government, dominated by the Earl of Arran and the archbishop of St Andrews, to the hostility which it had experienced from the Melvillians, the presbyterian followers of Andrew Melville,

⁴ *BUK*, ii, 524-78 *passim*, especially 541-7, 557-66 and 578; G. Donaldson, *Scotland: James V to James VII* (Edinburgh, 1978), 178.

⁵ *Ibid.*, 178-9.

⁶ *BUK*, ii, 594-5.

principal of St Mary's, the theological college at St Andrews University. The formulation of the subscription was far more than a response to opposition to the Black Acts, for they were themselves the reaction to an ongoing problem. The acts of the May parliament must also be viewed in a wider context since they appear to have been designed to strengthen royal authority in all spheres, not only the ecclesiastical. They instituted a permanent royal guard, emphasised the power of parliament and made office holders more secure in their positions. They asserted royal supremacy over all estates, abolished presbyteries, by making all convocations of clergy other than kirk sessions illegal without royal approval, and enhanced the power of the episcopate by giving them exclusive rights to visitation and ordination.⁷

That they were a response to, rather than the cause of, clerical dissatisfaction with the government, is suggested by the fact that at least five of those who fled to England did so before the parliament of May 1584.⁸ The most notable of the refugees, and probably the first, was Andrew Melville himself. As early as 17 February 1584, he appeared before the privy council at Holyrood for having allegedly made a sermon which was "offensive and sklanderous to the Kingis Majestie",⁹ having compared James VI's court to that of James III, Queen Mary to Nebuchadnezzar and having noted the somewhat unorthodox nature of James's succession.¹⁰ Although he asserted his innocence, he also denied the jurisdiction of the crown over ministers' speeches from the pulpit – an extreme application of the theory of "two kingdoms". He was ordered to be warded in Blackness Castle

⁷ *APS*, iii, 300ff.

⁸ James Carmichael, John Davidson, Patrick Galloway, Andrew Melville & Andrew Polwart: D. Calderwood, *History of the Kirk of Scotland* (Edinburgh, 1843), iv, 38 [Calderwood, *History*]; Calderwood, Larger MS, British Library [BL], Add Mss 4736, p. 1340; *Calendar of the State Papers Relating to Scotland and Mary Queen of Scots* [CSP Scot.], vii, no. 31; J. Spottiswoode, *History of the Church of Scotland* (Spottiswoode Soc., 1851), ii, 314.

⁹ *The Register of the Privy Council of Scotland* (Edinburgh, 1880) [RPC], iii, 631

¹⁰ *CSP Scot.*, vii, no. 31.

within 24 hours.¹¹ Rather than do this, he fled to England some time before 24 February,¹² due to fear for his life according to his nephew James, who alleged that “if he war annes fast, he wald nocht be lowsit again unless it war for the skaffald.”¹³

John Durie, one of the ministers of Edinburgh, previously banished from the capital in 1582 for criticism of Lennox and Arran,¹⁴ was again exiled, to Montrose, for finding fault with the government and justifying the Ruthven Raid in a sermon made in late 1583 or early 1584.¹⁵ This, and alleged outbursts from the pulpit in reaction to Melville’s flight,¹⁶ would have made the government aware of clerical hostility and although it insisted he had fled voluntarily, many felt he had been forced. Criticism from a number of pulpits may have led the government to believe that some of the clergy had been party to an attempt by the Ruthven faction to regain power, which had resulted in the taking of Stirling Castle in April. The Earl of Gowrie was executed on 2 May for his alleged involvement in the failed coup, although he appears to have been doing his best to leave the country via Dundee at the time.¹⁷ On the same day, James Carmichael, minister of Haddington, Patrick Galloway, minister of Perth, John Davidson, minister of Liberton, and Andrew Polwart, minister of Cadder, fled to England to join Melville in exile, having been summoned before the privy council for involvement in the conspiracy.¹⁸ Andrew Hay, rector of Glasgow University and minister of Renfrew, who was also summoned was the only one to appear. He was ordered into internal exile in the north for his alleged support of the Stirling rebels.¹⁹ That the crown may have had some grounds for its fears of clerical involvement with the raid on Stirling Castle is demonstrated by Hay

¹¹ *RPC*, iii, 632.

¹² *CSP Scot.*, vii, no. 31.

¹³ J. Melville, *The Autobiography and Diary of James Melville* (Wodrow Soc., 1844) [Melville, *Diary*], 142

¹⁴ M. Lynch, *Edinburgh and the Reformation* (Edinburgh, 1981), 157.

¹⁵ Spottiswoode, *History*, ii, 315.

¹⁶ *Ibid.*, ii, 389; Melville, *Diary*, 145.

¹⁷ *Bannatyne Miscellany* (Bannatyne Club, 1827), i, 89-103.

¹⁸ Spottiswoode, *History*, ii, 314.

¹⁹ *Ibid.*, ii, 314.

having already been called before the privy council in March. He was suspected of having been privy to a visit to Glasgow by two other suspected leaders of the Stirling raid, the Earl of Mar and the Master of Glamis, both members of the Ruthven régime who had fled into exile in Ireland in 1583.²⁰

A General Assembly met at St Andrews on 24 April. It was thinly attended probably because many ministers feared an adverse reaction from the government. It compounded the crown's suspicions by refusing royal commands to condemn the Ruthven régime and excommunicate the Stirling rebels.²¹ Such an act of defiance would have angered the government and convinced it of the need to curtail the subversive activities of the presbyterian party in the Kirk by bringing the spiritual estate as a whole under secular jurisdiction. The Black Acts' effective abolition of presbyteries and enhancement of the power of the episcopate, who were now to all intents and purposes royal agents within the Kirk, marked a comprehensive effort by the crown to gain control of the Kirk by the establishment of a favourable polity. As the later 1570s and early 1580s had shown, the dominance of the Melvillians in the General Assembly had led to an increasing criticism of episcopacy *per se*. This was coupled with a growing drive towards ecclesiastical independence – in resisting government attempts to establish an episcopate unaccountable to the General Assembly – and attempting to set up a presbyterian system in 1581 with the establishment of the 13 presbyteries. It is, therefore, likely that the legislation had been in the planning stages for some time, the dramatic events of the spring of 1584 only serving to confirm to the crown the need to destroy this anti-Erastian tendency and reassert its hand in a situation in which the two kingdoms appeared to be drifting dangerously apart.

It is clear that an Erastian episcopalian polity had been in the process of formulation well before the Stirling raid. In late 1583 Patrick Adamson had gone to England where he met with the archbishop of Canterbury, John Whitgift, and the bishop of London,

²⁰ *CSP Scot.*, vii, no. 36.

²¹ Calderwood, *History*, iv, 37.

John Aylmer. In the aftermath of the May parliament he wrote to Whitgift to tell him of the success of the scheme which they had discussed at Lambeth Palace.²² Whitgift, within months of his appointment as archbishop, had already begun an anti-puritan campaign involving a subscription. It may have been this which inspired the new régime in Scotland to try something similar. Too much, however, has probably been made by Patrick Collinson of the British nature of the two anti-presbyterian policies. His comparisons treat the two situations as analogous missing the fact that, in England, the Church and the state clashed because of presbyterian sympathisers on the privy council – their own “two kingdoms” dispute thus emerged. In Scotland, however, the new régime, by taking control of the Kirk via the episcopate and with a united privy council, was able to mount a two-pronged attack on the presbyterians.²³

The passing of the Black Acts led swiftly to a new level of resistance, provoking more clergy to criticise openly the Arran régime and its policies. Being closest to the scene of the action, it was the remaining ministers serving the people of Edinburgh – with Durie banished – that were the first to react. On Monday 25 May, three days after the acts were passed, they were proclaimed at Edinburgh’s mercat cross. One of the Edinburgh ministers, Walter Balcanquhall, and Robert Pont, minister of St Cuthbert’s which lay just outside Edinburgh’s walls, took formal legal instruments of protest.²⁴ It would also appear that the other minister of Edinburgh, James Lawson, was crying out against the Black Acts for the Earl of Arran threatened him with the removal of his head, even if it had been as big as a haystack!²⁵ As a result, on 27 May, Lawson and Balcanquhall fled to England.²⁶ It is doubtful if Pont followed them since he appears to have still been in

²² T. McCrie, *The Life of Andrew Melville* (Edinburgh, 1819), ii, appendix iv; P. Collinson, *The Elizabethan Puritan Movement* (Oxford, 1967), 276.

²³ *Ibid.*, part 5

²⁴ Calderwood, *History*, iv, 65.

²⁵ Melville, *Diary*, 167.

²⁶ Calderwood, *History*, iv, 65.

Scotland as late as June 1585,²⁷ although Dr James Kirk and Professor Gordon Donaldson have both asserted that he did flee. The only evidence cited by Dr Kirk is an assertion by Spottiswoode that Pont fled at about the same time as Balcanquhall and Lawson.²⁸ A further piece of evidence, cited by Professor Donaldson, has him banished some time before 31 December 1584,²⁹ but there is nothing to suggest that he was ever in England. It is much more likely, since there is later evidence of him having remained in Scotland, that he went into internal exile or remained in ward. As both a senator of the College of Justice and provost of Edinburgh's Trinity Collegiate Kirk, he had other obligations which would have made flight difficult.

On their arrival in England on 2 June, Lawson and Balcanquhall addressed a letter to their flock explaining their actions. They claimed that they had fled in fear for their lives, thinking it better to save themselves for another day rather than die or put their flock at risk: "Because we are assured that many calumnies are set out against us, so that we have absented ourselves from you, our own flock, which we

²⁷ Pont was still in Scotland in November/December 1584 being called before the privy council; in a letter from Patrick Galloway to James Carmichael on 21 December he was described as "fugitive *vel latet*" (which Calderwood appears to have noted); he was listed among the "Distressed" of December 1584 with those who were warded or in internal exile; on 31 December 1584 he was described as "banished"; on 22 January he was with Patrick Adamson in St Andrews; he was still listed as holding out against subscription on 9 April 1585 and he resigned his provostship of Trinity College on 23 June 1585. *The Miscellany of the Wodrow Society*, i (Edinburgh, 1844), 432 & 436; Calderwood, *History*, iv, 211 & 245; Calderwood, Larger MS, pp. 1477, 1479; *Miscellany of the Spalding Club* (Aberdeen, 1849), iv, no. li; McCrie, *Melville*, i, 279n; *CSP Scot.*, vii, no. 479.

²⁸ Spottiswoode, *History*, ii, 315. See J. Kirk, 'Census of Melvillian preachers' [Kirk, 'Census'], in 'The Development of the Melvillian Movement in Late Sixteenth Century Scotland' (Edinburgh University Ph.D., 1972), 559-667 (alphabetical).

²⁹ *CSP Scot.*, vii, no. 479; G Donaldson, 'The Relations Between The English and Scottish Presbyterian Movements to 1604' (London University Ph.D., 1938), appendix A. The misapprehension appears still to be generally held. In the most recent edition of the *Scottish Historical Review*, A. H. Williamson mentions Pont's supposed exile: A. H. Williamson, "A Patriotic Nobility? Calvinism, Kin-Ties and Civic Humanism", *SHR*, lxxii, no. 1, April 1993, 1-20 at 10. 30.

ever loved more than our own lives”.³⁰ They also protested against the Black Acts and complained that they were not permitted to preach freely. The letter suggests that they had anticipated accusations of cowardice and desertion of their duty and thus it may reflect a panic-ridden flight followed by the hasty drawing up of an apologia.

Two or three days after this, James Melville, Andrew’s nephew, also fled to England having received intelligence that the authorities were pursuing him.³¹ At about the same time Patrick Forbes of Corse, a theology student from St Mary’s College where the Melvilles taught, also took flight.³² It is possible that, as a graduate, he was involved in teaching and was therefore part of the Melvillian establishment at St Mary’s. Doubt is cast on this, however, by his name not being on a list of the staff of St Andrews University in February 1584³³ in which the names of three who did go into exile appear; James Robertson, John Caldcleuch and Archibald Moncrieff. Some names which have been found in relation to flight and subscription thus seem to have come from outwith the parish clergy. This may explain the policy of the government towards the three major universities and the inclusion of masters of colleges and schools in the subscription.

Initially, it would appear, the crown was anxious to see the return of the exiled clergy. On 9 June, a letter was written, in the name of the king, to those in Berwick, requesting their return and assuring them of King James’s good intentions towards religion.³⁴ This conciliatory gesture could have been made because the treatment of the clergy and the Stirling rebels, also now exiled in England, had angered Elizabeth.³⁵ If it was an attempt to persuade her to return them, it failed, both in this and as a direct request to the ministers to return home.³⁶

³⁰ Calderwood, *History*, iv, 74-5; *CSP Scot*, vii, no. 157.

³¹ Calderwood, *History*, iv, 73; Melville, *Diary*, 168.

³² See Kirk, ‘Census’.

³³ Calderwood, *History*, iv, 5.

³⁴ *CSP Scot.*, vii, no. 165.

³⁵ *Ibid.*, vii, no. 100.

³⁶ *Ibid.*, vii, no. 166.

David Calderwood recorded a similar conciliatory letter, dated 10 June, to a “Mr Moresone” (Morrison) who refused to comply and also persuaded others who had received such letters to do likewise.³⁷ It is tempting to identify him with a “Mr Morisone” who was at the funeral of James Lawson in London on 12 October 1584.³⁸ The letter implies that Mr Moresone, and presumably the others who were written to, were not recent exiles but Scots preachers resident in England. That some of these expatriate Scottish clergy refused to come home demonstrates their sympathy with the exiles as, of course, does the fact that some of them attended Lawson’s funeral – but the question of why they were there in the first place and why some, if not all, refused to return remains to be answered.

A number of the exiles, all of whom have been described as “ministers” or “preachers”,³⁹ were not ministers at all but students, regents and perhaps schoolmasters. The appearance of an otherwise unrecorded graduate with a Scottish name at Lawson’s funeral – Mr Robert Lauder⁴⁰ – and the request by the crown and Archbishop Adamson in late October 1584 for the return of one Mr Anderson, “preacher”,⁴¹ from England could mean that there were more exiles than has previously been thought. Mr Anderson presents some difficulties since he was first recorded in England at Lawson’s funeral and became a minister in London in 1587. He may, therefore have been an exile who stayed away but further evidence would be required to prove it.⁴²

Unfortunately it is difficult to date the flights of many of the exiles accurately, there being nine for whom not even an approximate date of departure can be found.⁴³ This may even mean that some of those who

³⁷ Calderwood, *History*, iv, 124-5.

³⁸ *Wodrow Misc.*, i, 452; Calderwood, *History*, National Library of Scotland [NLS], Adv Mss 33.6.1, p. 65.

³⁹ Kirk, ‘Census’.

⁴⁰ *Wodrow Misc.*, i, 452.

⁴¹ *CSP Scot.*, vii, no. 349.

⁴² See Donaldson, ‘Presbyterian movements’, appendix A.

⁴³ John Cowper, Alexander Forsyth, James Gibson, John Graham, James Hamilton, Andrew Hunter, Robert Lauder, Archibald Moncrieff, Alexander

are thought to have been exiles from the Arran régime may already have been in England anyway, as in the case of one Mr Guthrie who attended Lawson's funeral.⁴⁴

A further four appear to have fled late in 1584 and early in 1585.⁴⁵ This is likely to have been due to the most concerted push for subscription which took place in the last two months of 1584 and must have convinced some that it was no longer possible to avoid subscription or punishment for its evasion. This point may refute the assertion that the government was prepared to accept conditional subscriptions to avoid the embarrassment of forcing more into exile.⁴⁶

Once in England, the exiled clergy had surprisingly little contact with their native country. Two of them, James Melville and Patrick Galloway, stayed in the north of England with the exiled nobles to act as their pastors.⁴⁷ The rest went south where they attended conferences with English presbyterians at Oxford in July 1584 and at London in November 1584 and February 1585.⁴⁸ They also tried to gain favour, with little success, from the English government. Their request for a strangers' church was denied since, unlike the French and the Dutch, the Londoners would probably have been able to understand the Scottish preachers.⁴⁹ Although favoured by secretary Walsingham, William Davison and John Hunsdon, since their religion made them useful in diplomatic terms, they were unwelcome all the same. The anti-presbyterian campaign instigated by Archbishop Whitgift had been in operation since November 1583,⁵⁰ so the Scottish preachers

Strachan: Kirk, 'Census'; Calderwood, Larger MS, p. 1479; Calderwood, *History*, iv, 487; *Wodrow Misc.*, i, 452; Donaldson, 'Presbyterian movements', appendix A.

⁴⁴ G. Donaldson, "Scottish presbyterian exiles in England", *ante*, xiv (1962), 67-80, at 74; *Wodrow Misc.*, i, 449-52

⁴⁵ William Aird, John Caldcleuch, David Hume & James Robertson: Melville, *Diary*, 218; Calderwood, *History*, iv, 348; Larger MS, pp. 1456, 1477.

⁴⁶ Kirk, 'Melvillian movement', 470.

⁴⁷ Melville, *Diary*, 171-97.

⁴⁸ Collinson, *Elizabethan Puritan Movement*, 277; Donaldson, 'Presbyterian movements', 184-7.

⁴⁹ Donaldson, "Presbyterian exiles", 75.

⁵⁰ Kirk, 'Melvillian movement', 462; Collinson, *Elizabethan Puritan Movement*, 245.

were kept as silent as possible, even to the extent of the bishop of London banning Balcanquhall and John Davidson, nicknamed “The Thunderer”, from preaching, on royal instructions.⁵¹ They were only given favourable attention by Queen Elizabeth when they could be used as a political counter to James’s harbouring of English Jesuits in the highly complex diplomatic situation of the time.⁵²

Some of them were involved in a propaganda campaign which was addressed to an international audience as well as to opinion in Scotland. Andrew Melville, very early on, responded to a letter sent to Geneva by Archbishop Adamson which criticised the Melvillians, by writing to Theadore Beza to counter Adamson’s arguments.⁵³ It was largely a diatribe against Adamson, criticising him for his policy to “mix heaven and erthe” and accusing him of having “consulted with witches” and with French and Spanish ambassadors – a telling juxtaposition! The idea of the Kirk having been perfect before the Black Acts was also put forward in Melville’s claim that no heresy had been allowed to creep into it. This was characteristic of the exiles’ writings and had been used by Knox in the 1560s when he felt *his* kirk to be under threat.

James Lawson and Walter Balcanquhall reacted to the government’s response to their original letter of self-vindication by writing once more to the people of Edinburgh assuring them that their enforced subscriptions to the government’s reply, framed by Archbishop Adamson, were not taken to have been from the heart.⁵⁴ In the early part of 1585, in reaction to a spate of subscriptions, James Melville, remaining at Berwick and so more closely in touch with what was going on at home, wrote a long letter condemning the subscribers.⁵⁵ Melville accused them, from a safe distance, of doubling their sins by not only subscribing themselves but also encouraging others to subscribe and of having turned away from the truth and damaged “sa notablie constitut a Kirk” which, so he claimed,

⁵¹ Calderwood, *History*, iv, 247; Collinson, *Elizabethan Puritan Movement*, 277.

⁵² *CSP Scot.*, vii, no. 324.

⁵³ Melville, *Diary*, 155-63.

⁵⁴ Calderwood, *History*, iv, 92.

⁵⁵ Melville, *Diary*, 200-18.

had remained inviolate for 26 years. He asserted the two kingdoms theory and ascribed James VI's position as "a new Paip" to the acquiescence of those who had subscribed. He ended with the assertion, familiar throughout the period, that "obedience, except it be in God ... is na obedience, bot sin, rebellion and disobedience".

At about the same time, Archbishop Adamson made a declaration in the name of the king justifying the Black Acts⁵⁶ and accusing all those opposing the king of being rebels using religion as a pretext. Although absolute royal supremacy was actually denied, the king was variously described as "the cheefe and principall member" of the Kirk and as "bishop of bishops" as well as wishing to be seen as a godly emperor. The Melvillians were accused of having dominated the Kirk in spite of their low numbers through tyrannising general assemblies and – turning an argument of the exiles on its head – of trying to impose papistical tyranny through "new invented presbyteries". The response,⁵⁷ supposedly by Andrew Melville, invoked the idea of a perfect kirk once more, alleging that it had only recently been undermined by Adamson and the forced flight of "special lovers" of the king – the Stirling rebels and the exiled clergy. He declared that kings should support but not rule the Kirk, and that bishops were a confusion of the two jurisdictions and thereby a medium for tyranny over the Kirk by the temporal power.

Although evidently passionate in their writings, the exiled clergy could afford to be since they were not at risk from governmental retribution. This can be contrasted with the actions of a number who actually stood up to the crown and suffered as a consequence. It is, however, notable that none was very harshly dealt with. No minister was executed for resisting subscription or objecting to the Black Acts. On 9 December 1584, Nicol Dalgleish, minister of St Cuthbert's along with Pont, was convicted of treason for intercommuning with the exiled ministers but was only warded – his sentence to be decided by the king – then pardoned and freed after a few months, having made a

⁵⁶ Calderwood, *History*, iv, 254-65.

⁵⁷ *Ibid.*, iv, 274-86.

supplication to the crown for his release.⁵⁸ David Hume of Argettie, convicted on the day before Nicol Dalgleish, was executed along with his brother for reading a letter from the commendator of Dryburgh, one of the exiled lords.⁵⁹ Such treatment was not paralleled in the ecclesiastical sphere. Perhaps this shows that the crown felt genuinely threatened by political opposition but not by opposition to its ecclesiastical policies, or that executing a member of the clergy would have created unwanted problems both internationally and at home.

John Durie was internally exiled for criticism of the government, as was Andrew Hay. On 22 May, David Lindsay, minister of Leith, was arrested, having been nominated by the clergy to voice their fears over expected legislation.⁶⁰ He was imprisoned in Blackness Castle as a result. On 8 July, John Howieson, minister of Cambuslang, preached a sermon exhorting his flock to put divine commands above those of men. This was taken to be a criticism of the Black Acts and on 12 July he was examined by the privy council at Falkland Palace where he denied the right of the secular powers to interpret scripture and refused obedience to Arran. For this, he was warded in Perth.⁶¹ Nicol Dalgleish had been imprisoned in July 1584 for criticism of the Black Acts and was still holding out against subscription as late as 9 April 1585,⁶² in spite of the fact that in December 1584, in his trial at that time, he had expressed willingness to subscribe with a rider and had submitted to the king's will.⁶³

The fact that at least 22 ministers still in Scotland were holding out against subscription in April 1585⁶⁴ is especially interesting as five of them appear to have expressed willingness to subscribe conditionally in December 1584.⁶⁵ A possible explanation is that they

⁵⁸ R. Pitcairn, *Criminal Trials in Scotland from 1488-1624* (Edinburgh, 1833) I, iii, 136-8; Spottiswoode, *History*, ii, 321.

⁵⁹ *Ibid.*, ii, 321; Pitcairn, *Criminal Trials*, I, iii, 136.

⁶⁰ Spottiswoode, *History*, ii, 315.

⁶¹ Calderwood, *History*, iv, 146.

⁶² *Wodrow Misc.*, i, 436.

⁶³ Calderwood, *History*, iv, 213; Pitcairn, *Criminal Trials*, I, iii, 138.

⁶⁴ *Wodrow Misc.*, i, 436.

⁶⁵ Calderwood, *History*, iv, 211.

remained too genuinely critical of the Black Acts for their conditional subscriptions to be accepted and were thus imprisoned, as in the case of Nicol Dalgleish, or were forced to make themselves “obscure within the countrie”, as in the case of John Clapperton⁶⁶ and perhaps Robert Pont as well.

As well as ministers who consistently resisted subscription and were prepared either to confront the government and be imprisoned or to flee into exile, there were some who resisted initially but eventually submitted conditionally. Assessment of this action relies entirely on the interpretation of their conditional subscriptions. There is evidence of at least 11 who did so and it is also clear that many of the clergy in the exercises of Montrose, Brechin and the Meams were prepared to subscribe conditionally.⁶⁷ It is notable that this apparent flurry of subscriptions came in the aftermath of a deadline imposed by the crown of 16 November; Calderwood’s account and James Melville’s letter⁶⁸ suggest that far more gave in than those of whom we have record. If by this time the clergy had not subscribed, they were to lose their stipends and this was duly instigated on 23 November, the collector general being instructed to, “tak up the same to his Majestie’s use”.⁶⁹ Although the subscriptions from the exercises of Montrose, Brechin and the Meams took place as late as 29 January 1585, it seems that this was the date for the annual assignation of their stipends.⁷⁰ That the government was willing to wait as late as this date to enforce subscription suggests that it was not a particularly pressing issue which needed to be dealt with swiftly.

The need to form a subscription in the first place is testament to a degree of opposition to the Black Acts, yet the scale of this opposition is unclear. It could merely have been due to paranoia on the part of the government, caused by the vociferous Melvillian faction which was strong in Fife and Lothian and was thus in close proximity to the

⁶⁶ *Ibid.*, iv, 72.

⁶⁷ *Spalding Misc.*, iv, no lii; Calderwood, *History*, iv, 246-7; *Wodrow Misc.*, i, 433, 436.

⁶⁸ Calderwood, *History*, iv, 210; Melville, *Diary*, 200-18.

⁶⁹ *Ibid.*, 211.

⁷⁰ *Spalding Misc.*, iv, no. lii.

centre of power. It must have been hoped that opposition could be gagged by compelling obedience on pain of loss of stipend. The 40 day ultimatum which was initially given for subscription appears to have been ineffective. The course of events from 22 August, when parliament approved the subscription, until 16 November and after, when the threat of loss of stipend became a reality, is perhaps indicative of widespread and enduring opposition, albeit not as zealous as that shown by those who were gaoled or exiled. This makes clear the problems of interpretation. Was the government over-reacting to a relatively minor problem or was protest genuinely widespread? Was the failure of many to subscribe until November or later due to opposition, indecision or simply lethargy on their part or on the part of the government? It is clear, however, that as soon as any real pressure to subscribe was brought to bear, most of the opposition caved in.

As early as 24 August, John Craig (one of the replacements for the exiled Edinburgh ministers), Andrew Blackhall, John Brand, John Herries and, "sindrie others", were called before the privy council where they protested against the recent legislation.⁷¹ Recalled on 4 September, they were accused of having broken the acts of parliament by refusing to give obedience to their bishop. Once more they were continued and told to appear again on 16 November.⁷² The lack of enthusiasm on the part of the government to clamp down on this opposition is intriguing. An explanation, however, could be sought in the international situation. There is evidence of Anglo-Scottish rapprochement in August and September.⁷³ This would have been likely to coincide with a hiatus in persecution since Elizabeth had taken a dim view of Scottish treatment of dissident ministers. The earl of Arran, in an effort to persuade Elizabeth to banish the exiled lords from England, became more willing to act against English Jesuits who had sought refuge in Scotland. Another possibility is that 16 November was the first potentially effective ultimatum, for the threat of deprivation of stipends could be fulfilled only after that date. This

⁷¹ Melville, *Diary*, 198.

⁷² *Ibid.*, 199.

⁷³ See *CSP Scot*, vii, nos 284-307.

was the day appointed for all the ministers, readers, benefice-holders and masters of colleges and schools of the archdiocese of St Andrews south of the Forth to appear before their archbishop.⁷⁴ It is testament to enduring opposition in this area at least that, apparently, not all of them bothered to come and of those who did, not all subscribed.

The failure of the government to enforce subscription with any enthusiasm until as late as mid-November suggests that the level of opposition was not a matter of great concern. Perhaps, by this time, it was seen to be geographically limited. Nine of those who had been called to subscribe, all incidentally ministers, were summoned before the king to offer their motives for not having done so. In an explanatory letter, they asserted their reluctance to disobey the king but regretted their inability to subscribe the Black Acts much of which, especially regarding episcopacy, they asserted was contrary to the Word of God.⁷⁵ It is notable that only ministers from south of the Forth appear to have been targeted for pressure to subscribe. This may lend weight to the idea that there was little or no strong resistance from elsewhere. Their letter went on to advocate the two kingdoms theory – demonstrating theological sympathy with the exiles – and to refute the very basis of the legislation by denying the jurisdiction of the crown in matters spiritual. In this we can perhaps see a protest like that of Andrew Melville in the previous February. The reaction of the crown was, therefore, not remarkable. Called before the privy council, the nine authors of the letter were told to subscribe, failing which they would not only lose their stipends but would also be banished from the realm.⁷⁶ They agreed to subscribe with the rider, “agreeable to God’s Word”. Two of the authors of the letter were in prison at the time – Pont and Dalgleish – and intriguingly they, as well as John Clapperton, Patrick Simson and Adam Johnstone, were still holding out against subscription as late as April 1585.⁷⁷ Clapperton remained in internal exile, Dalgleish was warded in St Andrews and Pont was in

⁷⁴ *RPC*, iii, 701; Calderwood, *History*, iv, 209-10.

⁷⁵ *Ibid.*, iv, 211-18.

⁷⁶ *Ibid.*, iv, 211.

⁷⁷ *Wodrow Misc*, i, 436.

the custody of Archbishop Adamson.⁷⁸ Although it is not clear where the other two were, they were probably also in internal exile.

Conditional subscriptions came from Andrew Blackhall, John Brand⁷⁹ and John Craig, who was later to demonstrate his new-found loyalty by criticising the exiles for having fled.⁸⁰ The crown brought further pressure to bear by debarring non-subscribers from pursuing or defending legal cases on 11 December.⁸¹ This appears to have been enough to persuade many ministers to subscribe, albeit with a rider. Among those was John Duncanson who, along with John Craig, had replaced the exiled Edinburgh ministers. As crown placemen, their acquiescence is surprising only in that it did not come sooner. It is perhaps even valid to categorise Nicol Dalgleish and John Durie with the conditional subscribers in spite of the fact that neither of them subscribed. On 8 December 1584, Dalgleish submitted himself to the crown but was, nevertheless, imprisoned for seditious preaching,⁸² while it would appear that Durie had agreed to keep quiet some time before 15 March 1585.⁸³ Clearly many were prepared to acquiesce even though they may have continued to regard the Black Acts as wrong.

Assessment of the significance of this apparently large-scale subscription is fraught with problems. One historian has proposed that conditional subscription completely invalidated the whole process since it effectively created a loophole through which a coach and four could be driven by the subscriber's conscience.⁸⁴ However, James Melville's reaction suggests that he saw even this as selling out,⁸⁵ as did James Carmichael and Andrew Melville in the aftermath of the crisis.⁸⁶ The subscription of the presbytery of Ayr used a rider which

⁷⁸ Calderwood, Larger MS, p. 1479; *Spalding Misc.*, iv, 71.

⁷⁹ Calderwood, *History*, iv, 433.

⁸⁰ *Ibid.*, iv, 490.

⁸¹ Melville, *Diary*, 218; Calderwood, *History*, iv, 348.

⁸² Pitcairn, *Criminal Trials*, I, iii, 138.

⁸³ *RPC*, iii, 712.

⁸⁴ Kirk, 'Melvillian movement', 467.

⁸⁵ Melville, *Diary*, 200-18.

⁸⁶ *Wodrow Misc.*, i, 441; A. Williamson, *Scottish National Consciousness in the Age of James VI* (Edinburgh, 1979), 75.

criticised the Black Acts to such an extent that it was rejected and their stipends were removed.⁸⁷ That some conditional subscriptions were accepted has been explained as demonstrating the king's desire to avoid the embarrassment of sending more clergy into exile,⁸⁸ yet not only did the crown threaten some who eventually subscribed with banishment but also some who did resist, three students of theology and one minister, were exiled early in 1585.⁸⁹ It is doubtful that the government would have allowed people who were unlikely to cease their public criticism of its policy to subscribe rather than be banished. This is demonstrated by the government's refusal to accept the presbytery of Ayr's conditional subscription because it was too critical of the Black Acts.

That there were still over 20 holding out in April 1585⁹⁰ shows that there were still some clergy in Scotland who regarded *any* form of subscription as unacceptable. Yet many who were genuinely opposed to the legislation may have felt forced or obliged to obey, by subscription, because it was the law. Another important factor which must be borne in mind is that many ministers may have had very human reasons for subscription. Family considerations and the immediate threat of loss of income might well have been all that were required to compel the majority of ministers to subscribe. It is thus possible that many ministers whose sympathies lay with the protesters felt unable to join them due to the problems which this might cause. It is notable that most of the protesters came from urban charges where stipends tended to be larger. Yet it may also be true that many would have been happy to subscribe whether or not there was the threat of loss of stipend. The fact remains that subscribers were acquiescing to a system which was regarded as doctrinally insupportable by the intellectually dominant faction in the Kirk. The question of what these supposed presbyterians would have done in the event of the Arran régime continuing to hold the reins of power remains to be answered.

⁸⁷ *Wodrow Misc.*, i, 433.

⁸⁸ Kirk, 'Melvillian movement', 470.

⁸⁹ *Wodrow Misc.*, i, 432.

⁹⁰ *Ibid.*, 436.

It is very difficult to quantify or evaluate the clerical opposition to the Black Acts. The number of those who resisted subscription or were persecuted for their opposition at some point is not precise and never can be. Although it has been possible to collect a large number of names, the picture is clouded by the fact that narrative histories of the period use such vague phrases as “sindrie others”⁹¹ to denote a group of unidentified, perhaps even non-existent, ministers along with those who are named.

Areas of Scotland had probably yet to experience the Reformation in anything more than a superficial way, and some parishes had no minister or reader. A valid statistical analysis for this time is, therefore, not possible at the moment. Even a complete list of all parish clergy would be of little use since no register of subscriptions survives. It seems, however, likely that, even excepting those who subscribed with a rider and those in parts of Scotland which were not touched by the subscription crisis, a significant majority of the clergy acquiesced. As David Hume’s letter of 15 March 1585 to James Carmichael shows, non-subscription was the exception even in the south-east.⁹² It is impossible to prove, since the records by their very nature show those who resisted subscription rather than those who accepted it, but it would seem reasonable to suppose that the majority subscribed with few objections. If there had been any more widespread or enduring opposition, record of it would surely have survived, at least in the works of James Melville and David Calderwood. Professor Donaldson’s assertion that the principles of the Black Acts were compatible with “Knoxian” ideas of the 1560s, which did not deny episcopacy and encouraged the concept of the godly prince, is something of an exaggeration,⁹³ yet questions of polity appear to have been seen by many as less important than some contemporary and subsequent writers would have us believe. By the mid-1580s, Protestantism was firmly established, yet it is not easy to argue that presbyterianism was dominant in anything other than a political sense

⁹¹ Calderwood, *History*, iv, 351.

⁹² *Wodrow Misc.*, i, 432.

⁹³ G. Donaldson, *The Scottish Reformation* (Cambridge, 1960), 213-14.

in that it managed to hold sway in the General Assembly. The closest sederunt available after this date is from 1590.⁹⁴ It would seem reasonable to suppose that this is a fair representation of Melvillian dominance of the assemblies in this period. Fife and Lothian were hugely over-represented with 73 (32 ministers and 41 laymen) out of a total of 165, 105 of whom were ministers. It is possible that the General Assemblies were very unrepresentative of the clergy as a whole and thus could easily have been dominated by a radical faction. It is also noteworthy that the vast majority of the laity were from Fife and Lothian; comprising 41 out of a total of 60.

Outside the Melvillian heartland of Fife and Lothian, the only other instances of opposition appear to have been in the Glasgow area from Hay, Howieson and Polwart, and from the presbytery of Ayr – a body defying the crown by its continued existence and one which included that staunchest of Protestant localities, Kyle. Since there had not been a firmly established polity in the lifetime of the reformed Kirk, it is not unreasonable to suppose that many ministers may not have felt strongly about this issue. Those who did left their marks because they took a stand, while the submerged majority are likely to have been indifferent to the supposedly weighty issues of ecclesiastical politics.

Although the main issue was one between Kirk and crown, the subscription also embraced both university and school masters. Those of the archdiocese of St Andrews south of the Forth, as well as members of the clergy, had been called to subscribe in November 1584.⁹⁵ The crown's suspicions probably stemmed largely from the prominent opposition of Andrew and James Melville, masters at St Mary's College in St Andrews university, and Andrew Hay, rector of Glasgow university as well as minister of Renfrew. It was alleged at an early stage in the critical events of 1584 that one of the crown's major intentions was to close down St Mary's. Andrew Melville had been principal there since 1581; it was thus seen as a dangerous centre

⁹⁴ *BUK*, ii, 762ff.

⁹⁵ *RPC*, iii, 701; Calderwood, *History*, iv, 209-10.

for the dissemination of his ideas.⁹⁶ The hostility towards St Mary's college may explain the departure of a number of its students into exile and the fact that some of those recorded in connection with resistance to subscription appear not to have been parish clergy in 1584.⁹⁷ As has been seen, three were regents at St Andrews University,⁹⁸ while a number of the others may have been schoolmasters who refused to subscribe.

The government's fear of the universities is clear. The fledgeling Edinburgh tounis college began teaching soon after Arran had come to power and within days of a drastic purge of the town council. It is thus not surprising that no opposition came, or was expected, from there during the subscription crisis.⁹⁹ Although by 23 June, St Mary's College at St Andrews was said to be empty,¹⁰⁰ later in the year Adamson tried to take over teaching there only to be driven out by opposition from the students. He attempted to change St Mary's into a college of Philosophy and appointed Mr John Robertson, one of the professors of theology, as the new principal.¹⁰¹ By 4 August, both Glasgow and Aberdeen were said to be no longer in operation. The students had been ordered to return home and the regents had been warded for having refused to countenance the Black Acts,¹⁰² all of which perhaps confirms the suspicions of the government. John Hunsdon, an English agent, numbers those warded at five but Calderwood says there were four from Glasgow alone, two being warded in the castle of Glasgow and two in the castle of St Andrews.¹⁰³ Only two names are on record for Glasgow at this time,

⁹⁶ *CSP Scot.*, vii, nos. 138, 146.

⁹⁷ John Cowper, John Dykes, Patrick Forbes, Alexander Forsyth, Robert Lauder and Alexander Strachan: Kirk, 'Census'; Melville, *Diary*, 170; *Wodrow Misc.*, i, 452; Donaldson, 'Presbyterian movements', appendix A.

⁹⁸ Calderwood, *History*, iv, 5.

⁹⁹ M. Lynch, "The origins of Edinburgh's 'toun college'; a revision article", *Innes Review*, xxxiii (1982), 3-14, at 10; A. Grant, *The Story of the University of Edinburgh* (London, 1884), i, 130-45.

¹⁰⁰ *CSP Scot.*, vii, no. 181.

¹⁰¹ McCrie, *Melville*, i, 347-9 & n; DD (pp. 479-80).

¹⁰² *CSP Scot.*, vii, no. 236.

¹⁰³ Calderwood, Larger MS, p. 1402.

Blaise Lawrie and John Bell,¹⁰⁴ but since the normal number of regents was now four, it is possible that another two had been added by the summer of 1584. Aberdeen appears to have remained in operation. In February 1584 the new principal had been appointed by the crown and, in August, the financial provisions of a visitation of 1582 were approved. The staff petitioned for a new foundation, requesting Adamson, the bishop of Aberdeen and three officers of state to sit on a commission to that end.¹⁰⁵ This suggests that it was only Glasgow, out of all the Scottish universities, which was actually closed completely during the crisis of 1584-5.

The response of the laity can be seen as a test of how, or if, the crisis of kirk-state relations impinged upon the nation as a whole. As is so often the case, there is far more evidence for Edinburgh than for any other burgh or area.¹⁰⁶ The involvement of the people of the capital was initially precipitated by the letter addressed to them by Lawson and Balcanquhall at the end of May. In response to this, a reply was composed by Archbishop Adamson, although one source sympathetic to the régime attributed it to the townspeople.¹⁰⁷ The government tried to compel the town council and kirk session to sign it. Calderwood recorded a long piece by Adamson justifying his authorship by the fact that the letter from the ministers was, he claimed, directed at “The King’s Grace, Honourable Privie Counsell [and] the Estats of Parliament”.¹⁰⁸ He denied that they had had any cause to flee, asserting the king’s godliness, their disobedience and the right of the crown to decide on polity, while the Kirk – as specified in the legislation of May 1584 – was free to judge doctrine and to preach.

¹⁰⁴ J. Durkan and J. Kirk, *The University of Glasgow, 1451-1577* (Glasgow, 1977), 311.

¹⁰⁵ D. Stevenson, *King’s College, Aberdeen, 1560-1640; From Protestant Reformation to Covenanting Revolution* (Aberdeen, 1990), 33-4.

¹⁰⁶ Lynch, *Edinburgh*, ch. 8 and appendices.

¹⁰⁷ *The Historie and Life of King James the Sext, 1566-1596* (Bannatyne Club, 1825), 205.

¹⁰⁸ Calderwood, *History*, iv, 83-91.

The letter itself,¹⁰⁹ purporting to be from the people of Edinburgh – hence the government’s need to have it subscribed by the town council and kirk session – upbraided Lawson and Balcanquhall for criticism of the Black Acts. It denied that they were “repugnant” to the Word of God since “the first Act of Parliament ratifies and allows the liberty of the preaching of the Word ... and administration of the sacraments”. It cited St Paul’s Epistle to the Romans Chapter XIII, that oft-used passage commanding obedience to authority and, as the voice of Edinburgh, the letter declared the people no longer to be the flock of the two exiles. Of the 19 regular councillors, only three appear to have refused to sign, while only one of the six new craft-deacon councillors did likewise.¹¹⁰ The reply by Lawson and Balcanquhall to this letter reveals that they believed that “Verie few ... subscribed from the hearte” putting the number of sincere subscribers at no more than four or five,¹¹¹ although on what grounds is not made clear.

The kirk session was, understandably, more resistant to crown pressure, 11 of its 28 members being called to Falkland Palace on 28 June, where they were interviewed by the king and accused of treason.¹¹² One of their number, John Blackburn, was vociferous in his disagreement with the king, saying that Adamson’s letter was against God’s word. He was given six days in irons for reflection and was subsequently warded in Dunfermline for refusing to relent. John Preston is the only other member of the session named as having held out against the king; it is thus possible that the other nine gave in under pressure. That Blackburn was the only one named as having been punished for his resistance may suggest that Preston also submitted, albeit as a result of coercion.

Lay opposition in Edinburgh can be dated from as early as 6 June 1584, when a number of burgesses was banished from the town and ordered to remain at least 12 miles away.¹¹³ On 17 July, four

¹⁰⁹ *Ibid.*, iv, 79-80.

¹¹⁰ Alexander Clerk, William Little, Alexander Oustean & Andrew Slater: see Lynch, *Edinburgh*, appendix x.

¹¹¹ Calderwood, *History*, iv, 93.

¹¹² *Ibid.*, iv, 130, Lynch, *Edinburgh*, appendix x.

¹¹³ *CSP Scot.*, vii, no. 171.

burgesses who had been arrested for criticism of the Black Acts were released on surety.¹¹⁴ Resistance appears to have continued into August, when an anonymous letter from the “brethren”, admonishing the acquiescent ministry for having failed to protect their flocks, was flung into the pulpit of St Giles’.¹¹⁵ On 24 August, Archbishop Adamson and the bishop of Aberdeen, David Cunningham, preached in St Giles’ before the king. Davison, the English ambassador, noted an angry reaction to the prelates’ presence,¹¹⁶ while Calderwood claimed that most of the people left in disgust.¹¹⁷

The wives of Lawson and Balcanquhall joined in the protests by writing to Adamson, calling him “a filthie dog” and alleging the Black Acts had introduced a “new devised Popedome”.¹¹⁸ In September they were banished from the capital along with the widows of three prominent Edinburgh Protestants of the 1560s.¹¹⁹ If merely removing them from the capital was enough, then this may suggest that there was little opposition elsewhere and that Edinburgh, as the centre of government and having had radical ministers, was the only place where any potent lay opposition occurred. Opposition continued into the autumn with six burgesses being warded, ten banished from the burgh and two called before the privy council on 4 October.¹²⁰ In the same month, the crown intervened to nominate the whole town council which proceeded, with Arran as provost, to appoint the new kirk session.¹²¹ In spite of this heavy-handed intervention, opposition endured and nine burgesses were called before the privy council for criticism of the Black Acts on 31 October.¹²² As late as February 1585, two brothers, Edward and James Cathkin, former members of the 1583-4 kirk session were summoned for resisting subscription of

¹¹⁴ *RPC*, iii, 678.

¹¹⁵ Calderwood, *History*, iv, 189-91.

¹¹⁶ *CSP Scot.*, vii, no. 266.

¹¹⁷ Calderwood, *History*, iv, 122-4.

¹¹⁸ *Ibid.*, iv, 199.

¹¹⁹ *Ibid.*, iv, 200.

¹²⁰ *RPC*, iii, 692.

¹²¹ Lynch, *Edinburgh*, 41.

¹²² *RPC*, iii, 695-6.

the letter to Lawson and Balcanquhall. They, fled to England after they had again been summoned by the privy council, this time for insulting Adamson at the door of St Giles',¹²³ which shows that at least some who acquiesced under pressure did not cease to criticise the government.

A dialogue recorded by Calderwood between two Edinburgh merchants, Edward Hope and Henry Nisbet, illustrates the argument which may genuinely have split the people of the capital.¹²⁴ Hope had a long history of Protestant radicalism dating back to the 1550s.¹²⁵ Henry Nisbet was a prominent merchant and was one of the bailies on the crown-nominated council of October 1584 under Arran's provostship. It was he who had persuaded the council to send Lawson and Balcanquhall's original letter on to the king.¹²⁶ Hope tried to convince Nisbet that obedience to God, above man, was essential and although Nisbet accused the exiled clergy of desertion, they were excused by Hope since, he claimed, their lives had been at risk, giving biblical examples to justify flight by the godly from the ungodly. Although this may have been propaganda, the debate could well have occurred, for the argument was not won or lost, rather the two parted agreeing to differ. "Allie ze then for Falkland and I will wait on my buith" was Nisbet's parting shot. It may thus illustrate that, in Edinburgh at least, the subscription crisis was of genuine concern to the laity. Constantly aware of tensions between Kirk and crown through the preaching and public protests of their radical ministers as well as the proclamation of acts of parliament, the people of Edinburgh were uniquely attuned to the issues. As a result of this they were unusual in Scotland in becoming involved both in debate amongst themselves and in confrontation with the crown.

The active element of Edinburgh Protestantism had shifted from the richer merchants to become dominated by their less wealthy

¹²³ Calderwood, *History*, iv, 351-2.

¹²⁴ *Ibid.*, iv, 141-3.

¹²⁵ Lynch, *Edinburgh*, 82-3 & index.

¹²⁶ Calderwood, Larger MS, pp. 1343, 1424.

colleagues and the craftsmen by this time.¹²⁷ This is borne out by the general discontent shown in St Giles' in August and by analysis of the wealth and occupations of those involved in opposition to the government.¹²⁸ It is, therefore, likely that the opposition voiced in Edinburgh towards the Black Acts was numerically quite strong and was all the more alarming to the crown since it was drawn from lower down the social scale than hitherto.

Although there is relatively little evidence for places other than Edinburgh, a few stray pieces of information have cropped up. Some time prior to 16 August 1584, Archbishop Montgomery of Glasgow – previously excommunicated by the General Assembly – was harangued as an “atheist dogge” by a crowd at Ayr when he visited the burgh in company with the masters of Seton and Eglinton and 80 horsemen.¹²⁹ At about the same time, the students ousted from St Andrews university vented their wrath on Patrick Adamson, who appears to have been the focus for much of the opposition to the Black Acts, by shooting at the windows of his castle!¹³⁰ He was widely regarded, probably with reason, as an author of the acts themselves and the engineer of the persecution of the presbyterians. So great was his unpopularity that, on 26 September, the privy council decided to issue a proclamation forbidding people from insulting him!¹³¹

As with the clergy, it is difficult to gauge the strength of opposition amongst the laity and it is unlikely that support for the Black Acts would have been recorded, had there been any. There was unprecedented central intervention in the burghs at this time, seven out of the 12 largest burghs having their provosts nominated by the crown.¹³² This may, however, have been just another aspect of the

¹²⁷ W Makey, *The Church of the Covenant, 1637-1651* (Edinburgh, 1979), 155-6; Lynch, *Edinburgh*, 163.

¹²⁸ *Ibid.*, appendix x.

¹²⁹ *CSP Scot.*, vii, no. 248; Calderwood, *Larger MS*, p. 1402.

¹³⁰ *Ibid.*, p. 1402.

¹³¹ *RPC*, iii, 690-91.

¹³² M. Lynch, “The crown and the burghs, 1500-1625”, in *The Early Modern Town in Scotland*, ed. M. Lynch (London, 1987), 55-81, at 58; Spottiswoode, *History*, ii, 325.

broader policy of increasing governmental power and centralisation of authority notable in the Black Acts themselves rather than an attempt to suppress opposition to the crown's religious policy. The intervention in Dumfries, appointing the laird of Johnstone as provost to reduce the influence of the laird of Maxwell appears to have been a political act with no religious overtones, even though the latter was a Catholic; Maxwell lost his provostship for having refused to give up a piece of land to Arran. The only other clash with the nobility resulted from the discovery of a plot by the lairds of Duntreath, Drumquhassil and Mains to overthrow the régime.¹³³ Drumquhassil and Mains were hanged but here, again, there appear to have been no religious aspects to the opposition.

As much as one looks, it is hard to find resistance to the religious policy of the Arran régime amongst the landed classes. Although John Erskine of Dun did voice some misgivings,¹³⁴ as a superintendent he became an instrument of crown policy, encouraging subscription in Angus and the Meams.¹³⁵ The exiled nobles appear to have had little contact with, let alone influence on, Scottish affairs while they were in England. There is only one recorded instance of communication; the executions of David Hume of Argettie and his brother Patrick in the autumn of 1585 for reading a letter from the commendator of Dryburgh, David Erskine, a nephew of the Earl of Mar and one of the exiled lords.¹³⁶ Perhaps it was as a reaction to this that the Scottish government persuaded Elizabeth to command the exiled lords to move to the south of England in the spring of 1585 on the grounds that they were still able to plot treason from their position close to the Scottish border. First they went to Norwich, then to London.¹³⁷

Internal politics took on the complexion of factional fighting with those in power mopping up any pockets of resistance when they appeared. Instances of this are remarkably few after the flight of the

¹³³ *Ibid.*, ii, 322; *Historie and Life of James the Sext*, 209.

¹³⁴ F. Bardgett, *Scotland Reformed, The Reformation in Angus and the Mearns* (Edinburgh, 1989), 164.

¹³⁵ *Spalding Misc.*, iv, nos. 1, li.

¹³⁶ Spottiswoode, *History*, ii, 321; Pitcairn, *Criminal Trials*, I, iii, 136.

¹³⁷ Melville, *Diary*, 221; *CSP Scot.*, vii, nos. 468, 472, 501, 511, 517, 548, 581.

Stirling rebels and this, in itself, can be seen to demonstrate the strength of Arran's government. As in the case of the clergy, it is likely that where there was opposition it was recorded and where there was silence there was probably little or no active resistance. Just as most ministers did not fume against the government from their pulpits, most of the laity did not want them to. The influence of individual clergymen may thus have been crucial: where there were radical ministers there was radical laity and where there was none, the laity was acquiescent. The sederunt for the General Assembly of 1590 shows active lay involvement largely confined to the Melvillian heartland of Fife and Lothian.

After the spring of 1585, the régime appears to have felt secure and there is little record either of religious persecution or political resistance. This may demonstrate further the security of the régime and the wide acceptance of its religious policy and so, once more, it raises the question of what would have happened had the fortuitous fall of Arran not taken place. An outbreak of plague, particularly virulent in Edinburgh,¹³⁸ appears to have been partially responsible for the political stability by dampening down opposition, as was a new Anglo-Scottish rapprochement. The removal of James's mother from the diplomatic scene (James wishing to act independently of her, having been accused of being at her beck and call) combined with friendly approaches to the English led to greater internal stability since much of the opposition had taken a pro-English stance.¹³⁹ Because most of the clergy had probably subscribed and most of the clerical opposition had been dealt with, there was no trouble from the Kirk. Those in power no longer feared that Elizabeth would send home the Stirling rebels, whom she had previously favoured.

As fortune was to dictate, however, things were to go horribly wrong for the Arran régime with the murder of Lord Russel in late July 1585 at a border conference.¹⁴⁰ Arran was suspected of complicity because of his apparent preference for a French or Spanish alliance,

¹³⁸ *Historie and Life of James the Sext*, 216.

¹³⁹ *CSP Scot.*, vii, nos. 284-307.

¹⁴⁰ *Ibid.*, vii, nos. 41, 42.

yet James, although he imprisoned Arran for a short time, refused either to deal with him seriously or hand him over to Elizabeth for trial.¹⁴¹ The resultant rift led to Elizabeth allowing the Stirling rebels to return to Scotland and precipitated the telling conclusion to the whole episode.

The exiled lords joined up with Maxwell and other disaffected Scots on their return. That Maxwell was later to be tried for taking mass at Lincluden Collegiate Kirk near Dumfries¹⁴² is testament to the fact that, just as in the civil war of 1568-73, religious and political divisions did not take parallel courses. At their subsequent taking of Stirling Castle in early November, the rebels declared, echoing the propaganda of the King's Party in the civil war of more than a decade before, to have been fighting for religion, the safety of the king, the common weal and the preservation of Anglo-Scottish amity.¹⁴³ Not only was this consistent with their professed stance of the previous two years but also it was the utilisation of tried and tested propagandist themes. Only their professed zeal for religion, however, is of concern here.

It is clear from the testimony of James Melville that many of the exiled lords were not enthusiastic about religion – only the earls of Angus¹⁴⁴ and Mar (to whom one Miles Moss, an English preacher who ministered to the exiled lords while they were in Norwich, dedicated a work in 1603)¹⁴⁵ were ever singled out as notably pious. Melville even hinted at a marked reluctance among some of them to be exercised in worship at all.¹⁴⁶ It is interesting to note that the nobles and ministers in exile kept well apart; the nobles remaining in the north-east of England while most of the ministers went south to London, leaving

¹⁴¹ *Ibid.*, vii, no. 56.

¹⁴² Spottiswoode, *History*, ii, 337.

¹⁴³ Calderwood, *History*, iv, 393.

¹⁴⁴ Melville, *Diary*, 184-5.

¹⁴⁵ Donaldson, 'Presbyterian movements', 196. See also K.M. Brown, "In search of the godly magistrate in Reformation Scotland", *Journal of Ecclesiastical History*, xl (1989), 553-81, at 558.

¹⁴⁶ Melville, *Diary*, 197.

only James Melville and Patrick Galloway behind.¹⁴⁷ When the nobles went south to join the ministers in London in spring 1585, it was not through choice, but on the orders of Elizabeth.

Both James Melville and King James seem to have had a cynical view of the exiled nobles' motives on their return to Scotland in October 1585. Melville believed that the king felt able to resist religious change "because he perceavit that the Noble-men war nocht verie ernest in the maters [of religion], getting their awin turnes done".¹⁴⁸ The king himself observed that they came under "ane ypocriticall clok and pretens of relligioun".¹⁴⁹ Although the nobles managed to remove Arran and Colonel Stewart, the Captain of the Guard, and to have the royal castles handed into their charges, "for [ie in spite of] all the vowes and fair promises maid to God",¹⁵⁰ they did not press the religious issue. No longer of any use, their fellow exiles the Melvillian ministers were simply discarded.

Perhaps it was this which sparked off the anger of James Gibson, the returning exiled minister of Pencaitland. He "usurped" the pulpit of St Giles, preaching against episcopacy and the Arran régime.¹⁵¹ For this he was brought before the privy council on 21 December and charged with seditious preaching. In a heated debate with Gibson, the young king told him, "I will not give a turd for your preaching!".¹⁵² Gibson was then imprisoned for treason in spite of having agreed to subscribe to the Black Acts – a peculiar instance of the resurrection of subscription, perhaps by the accused in a desperate attempt to avoid gaol.

The Melvillians were weak: "in effect, the good breithring war left and deserted"¹⁵³ by the nobility. Attempting to hold a General Assembly at Dunfermline at the end of November, they were excluded

¹⁴⁷ Calderwood, *History*, iv, 150; Melville, *Diary*, 172.

¹⁴⁸ *Ibid.*, 225.

¹⁴⁹ *RPC*, iv, 29.

¹⁵⁰ Melville, *Diary*, 225.

¹⁵¹ Spottiswoode, *History*, ii, 335.

¹⁵² Calderwood, *History*, iv, 487.

¹⁵³ Melville, *Diary*, 228.

from the town on the orders of the king,¹⁵⁴ and, in spite of lobbying parliament which met at Linlithgow, got nothing from it. That this supposed General Assembly was to be held at such short notice, it being so soon after the ministers' return, raises the question of what sort of an assembly it might have been. It is tempting to infer that, like so many others of the period, it was not very general; it would have been a Melvillian-dominated affair involving, perhaps almost entirely, the ministers of the south and east.

James Melville, on his return to Scotland at the turn of the year, wrote a letter claiming to have come home to find the king "playing *Rex*, scorning and taunting all, ... triumphing over the ministers, and calling them, lownes ... seditious knaves and so furth."¹⁵⁵ He went on to say that the ministers had suited for abolition of the Black Acts and an act in favour of the presbyterian system. The king refused this, but promised a conference with the ministry and, afterwards, a General Assembly. The conference, involving ministers and crown commissioners, was designed to reach an agreement over polity, as had been done at Leith in 1572. It met on 17 February 1586 at Holyrood and decided upon a solution which included presbyteries – thus superseding the spirit of the Black Acts – as well as bishops. Bishops were to be nominated by the crown but admitted by, and permanently answerable to, the General Assembly. They were compelled to have a congregation and they retained rights of visitation, presentation and collation, although only with the consent of the presbytery concerned and subject to the approval of the synod. They were also to do nothing without the advice of "a senat or presbyterie of the most learned and godly ministers within his [the bishop's] bounds, to be limited to him, to have the oversight of in visitation, which sall be onlie used by advice of the presbyteries"; this senate was to be chosen by the General Assembly.¹⁵⁶

Another conference eight to ten days before the General Assembly on 10 May was planned.¹⁵⁷ Evidence as to who was to be involved is

¹⁵⁴ *Ibid.*, 226; Calderwood, *History*, iv, 448-9.

¹⁵⁵ *Ibid.*, iv, 489.

¹⁵⁶ *Ibid.*, iv, 491-4.

¹⁵⁷ *Ibid.*, iv, 494.

conflicting. Calderwood says that “the same men of the ministrie, and some others, as his Majestie sall thinke meetest for the purpose” were to attend, while a manuscript source says that “*sum* [my italics] chosin men of the ministerie and such others as his maiestie shal think meetest for that purpose” were to go.¹⁵⁸ The latter source may suggest that a different set of ministers was desired for the second conference. That this was the case and that the conference did actually meet are suggested by two further pieces of evidence. In a source which deals with a meeting of the synod of Fife in April at which Patrick Adamson was excommunicated, mention is made of a conference which met while it was in session. It appears that this conference involved the king and had some relevance to episcopal jurisdiction. James was said to have been offended by the synod’s judgement, probably because it prejudiced the conference by asserting supremacy over the archbishop.¹⁵⁹ Could it be that this second conference was deliberately held while all the synods met, rather than just eight to ten days before the General Assembly, so that the Melvillians could be excluded and some hand-picked ministers invited instead? Evidence from the Assembly itself appears to support this; here the bishops were given constant moderation of the presbyteries in which they ministered.¹⁶⁰ This was not part of the February settlement and could thus have been an addition made in April. The Melvillians may well have been at the first conference; they clearly were not at the second.

There were, however, seven sees which could have had no constant episcopal moderators. Archbishop Adamson was explicitly forbidden from moderating his presbytery; Caithness and Ross were vacant, as was Glasgow to all intents and purposes; the bishop of Orkney, Adam Bothwell, was commendator of Holyrood and was rarely in his diocese, and there were no presbyteries in the Isles or Argyll.¹⁶¹ That left only six presbyteries out of 54 which could be moderated by a bishop. In spite of the Melvillians having been excluded from the

¹⁵⁸ *Ibid.*, iv, 494; NLS, Wodrow Fol., xliii, no. 37. and Wodrow 8vo., ix, no. 1.

¹⁵⁹ Wodrow Fol., xliii, no. 38.

¹⁶⁰ BUK, ii, 667.

¹⁶¹ Calderwood, *History*, iv, 557; D.E.R. Watt, *Fasti Ecclesiae Scoticae Medii Aevi ad Annum 1638*, (St Andrews, 1969).

second conference on polity, the episcopate was still given a limited role in the new scheme. It was accepted by the General Assembly in May,¹⁶² with much reluctance from the Melvillians who remained opposed to it – further evidence of their exclusion from its formulation.

Compromise appears to have been the order of the day. This, along with James Melville's letter and the possible engineering of the conferences, is perhaps indicative of the rising sun of James VI, now nearly 20 and assuming the reins of power at last. He compelled Adamson to submit himself to the General Assembly,¹⁶³ and on 25 May he packed Adamson and James Melville off to St Andrews to teach in the University while Andrew Melville was given the task of rooting out Jesuits in the north to keep him out of mischief. All three were commanded to behave themselves.¹⁶⁴

The Subscription Crisis and its aftermath demonstrated, respectively, the numerical weakness of the Melvillians and their genuine impotence when their dominance of the General Assembly was undermined. A motion in the Assembly of May 1586 condemning all subscribers¹⁶⁵ failed due to the number of subscribers present. This shows, once more, how out of touch with the majority of clerical opinion the Melvillian ministers were, as does the assembly's acceptance of the new polity settlement. In October, the synod of the Merse formulated a subscription refuting the Black Acts which was signed by thirty-one ministers.¹⁶⁶ Dr Kirk's *Census of Melvillian Preachers* lists their names; for 20 of them it is the only evidence cited of their having been 'Melvillian', while three had even subscribed to the Black Acts.¹⁶⁷ The significance of their gesture was thus very limited, for that part of the legislation of May 1584 which applied to the Kirk had been rendered largely inoperative by the new settlement. The protest by the synod of the Merse cannot, therefore, be related in

¹⁶² BUK, ii, 645ff.

¹⁶³ Donaldson, *Scottish Reformation*, 216-17.

¹⁶⁴ RPC, iv, 74.

¹⁶⁵ Spottiswoode, *History*, ii, 342.

¹⁶⁶ Calderwood, *History*, iv, 605.

¹⁶⁷ Kirk, 'Census'.

any direct way to the events of 1584 and 1585 because entirely different conditions prevailed by the time of its formulation. As a result of presbyteries gaining in strength in the later 1580s, bishops lost most of their powers – a process confirmed in the Golden Act of 1592.¹⁶⁸ This did not take place on the doctrinaire Melvillian terms of *iure divino* presbytery or two kingdoms, however, but on those of compromise between Kirk and crown in which the Melvillians had only a minor role.¹⁶⁹

¹⁶⁸ Donaldson, *Scottish Reformation*, 219.

¹⁶⁹ I would like to express my gratitude to Professor Michael Lynch of the Department of Scottish History at the University of Edinburgh for his help and advice in the preparation of this article.